

REMARKS

By this Amendment, claims 1 and 5 are amended merely to clarify the recited subject matter. Claims 1-14 are pending.

Claims 1, 3, 5-8, 10 and 13 remain rejected under 35 U.S.C. 102(e) as being anticipated by Swisher (US 6,385,253); claims 1 and 2 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Mestdag, et al. (EP 0 740 451 A; hereafter "Mestdag"); claim 4 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Swisher in view of Furukawa (EP 1 024 648); claims 11 and 12 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Swisher; claims 9 and 14 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Swisher and in view of Shenoi (US 6,829,292).

Applicants appreciate the clarification to the Office's position provided in the May 1, 2006 Office Action. Based on that clarified position, Applicants traverse all of the rejections because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims. For example, the cited prior art fails to teach or suggest the claimed invention wherein at least one Very-high-data-rate Digital Subscriber Line, VDSL, downlink frequency band is used to convey information from the data network to **a personal computer via** the subscriber's transceiver unit; and at least one non-VDSL uplink frequency band is used to convey information from **a personal computer via** the subscriber's transceiver unit to the data network, wherein the at least one non-VDSL uplink frequency band is located below 138 kHz.

SWISHER IS DEFICIENT

The Office Action asserted that Swisher discloses a method of transmitting information between a network and a subscriber's transceiver unit (including computer 178, telephone 174, video 176, Network Interface Device (NID) 150 and Residential Gateway (RG) 172) use a non-VDSL uplink frequency band for conveying information from the subscriber's transceiver to the network. That is, because the transceiver unit is being construed to include telephone 174, which utilizes POTS (bandwidth of 3 KHZ), then Swisher is being construed to meet the limitation of "an upper limit of approximately 138KHZ.

However, Applicants have clarified that the non-VDSL uplink frequency is used for conveying information from a personal computer via the subscriber's transceiver to the network. Because, Swisher clearly fails to teach or suggest using POTS for uplink

transmission for the computer 178, Swisher is deficient in anticipating independent claims 1 and 5. Accordingly, the rejection of independent claims 1 and 5 and their respective dependent claims 3, 6-8, 10-13 based on Swisher is traversed.

SWISHER IN COMBINATION WITH FURUKAWA OR SHENOI IS DEFICIENT

Furukawa fails to remedy the deficiencies of Swisher because Furukawa merely teaches conventional processes associated with initialization procedures for a VDSL transceiver. In Furukawa, detection of when someone is using a phone for a phone call is performed. When the phone is not off-hook, Furukawa teaches using the lower frequencies for ADSL upstream. However, Furukawa fails to teach or suggest using downlink filter means to convey information from the data network to a personal computer via the subscriber's transceiver unit, using at least one VDSL downlink frequency band, and using uplink filter means for conveying information from the a personal computer via the subscriber's transceiver unit to the data network, using at least one non-VDSL uplink frequency band, wherein the at least one non-VDSL uplink frequency band is located below 138 kHz. Therefore, the combined teachings of Swisher and Furukawa fail to disclose, teach or suggest the claimed invention recited in independent claims 1 and 5 and their respective dependent claims.

Similarly, Shenoi fails to remedy the deficiencies of Swisher and Furukawa because Shenoi merely teaches the use of frequency band-specific bandpass filters to improve transmission characteristics. However, Shenoi fails to teach or suggest using at least one VDSL downlink frequency band to convey information from a data network to a personal computer via the subscriber's transceiver unit, and using at least one non-VDSL uplink frequency band to convey information from a personal computer via the subscriber's transceiver unit to the data network, wherein the at least one non-VDSL uplink frequency band is located below 138 kHz.

Therefore, the combined teachings of Swisher and Furukawa and/or Shenoi fail to disclose, teach or suggest the claimed method for conveying information between a data network and a subscriber's transceiver unit, as recited in independent claim 1, or the claimed transceiver unit, recited in independent claim 5, and their respective dependent claims 4, 9 and 14.

MESTDAGH IS DEFICIENT

Mestdagh fails to describe any method of using any alternative path. Rather, it merely describes a method of bypassing an entire DSL setup through use of a separate copper pair. That setup is fundamentally different from the present invention, not just in purpose (making phones work when DSL fails), but also in implementation (switching to different a wire by action of a mechanical switch).

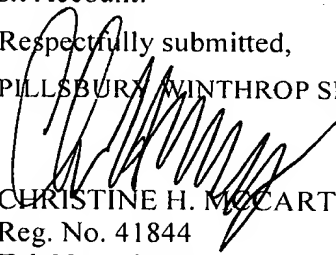
However, Mestdagh fails to teach or suggest using downlink filter means to convey information from the data network to a personal computer via the subscriber's transceiver unit, using at least one VDSL downlink frequency band, and using uplink filter means for conveying information from the a personal computer via the subscriber's transceiver unit to the data network, using at least one non-VDSL uplink frequency band, wherein the at least one non-VDSL uplink frequency band is located below 138 kHz. Therefore, Mestdagh fail to disclose, teach or suggest the claimed invention recited in independent claim 1 and its dependent claim2.

CONCLUSION

All rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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